

REMARKS/ARGUMENTS

Claims 1 to 15 are active in the case. Claims 11-15 stand withdrawn from consideration. Reconsideration is respectfully requested.

The present invention relates to core/shell copolymers based on (meth)acrylate esters, which, as a particulate material, is useful as an impact modifier in poly(meth)acrylate molding compositions.

Claim Amendments

Claims 1 - 7 and 10 have been amended in order to improve upon items of grammar in the claims. Withdrawn Claims 12 and 13 have also been amended. None of the amendments introduce new matter into the case. Entry of the amendments is respectfully requested.

Claim Rejection, 35 USC 102

Claims 1-10 stand rejected based on 35 USC 102 as anticipated by Fraser et al, U. S. Patent 6,172,135 (WO 96/37531). This ground of rejection is respectfully traversed.

The present invention is directed to a core/shell (meth)acrylate copolymer composition, which, in particulate form, is useful as an impact modifier in poly(meth)acrylate molding compositions. The presently claimed core-shell particles have a size that is defined in terms of a radius ranging from 160 to 240 nm. Thus, the particles have a diameter of 320 to 480 nm. On the other hand, as described in column 4, lines 27-34 of the Fraser et al patent, the multistage poly(meth)acrylate particles of the impact modifier disclosed therein have a particle size diameter in the range of 250 to 320 nm. Thus, the particle size range of the present poly(meth)acrylate particles is not the same as the poly(meth)acrylate particles

disclosed in Fraser et al. Accordingly, anticipation of the present invention does not occur and withdrawal of the rejection is respectfully requested.

Claims 1-10 stand rejected based on 35 USC 103 as obvious over Fraser et al., U. S. Patent 6,172,135 (WO 96/37531). This ground of rejection is respectfully traversed.

Applicants traverse the obviousness ground of rejection on the basis that the disclosed particle diameter size range of 250 to 320 nm of the patent does not suggest to the skilled artisan the preparation of poly(meth)acrylate particles that have a particle radius size range of 160 to 240 nm. There is nothing in the disclosure of the reference that leads one of skill in the art to the presently claimed particle size range. The patent does not obviate the invention as claimed and withdrawal of the rejection is respectfully requested.

It is believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Frederick D. Vastine, Ph.D.
Registration No. 27,013

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)